

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

JAY BRADER,

Plaintiff,

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil No. 3:09-CV-5698-RBL-KLS

ORDER OF REMAND

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision is affirmed in part and reversed in part. The Commissioner's denial of Plaintiff's applications for disability benefits under Title XVI of the Social Security Act is affirmed. Plaintiff's applications for disability benefits under Title II of the Social Security Act are denied. The Commissioner's decision is REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Commissioner will further evaluate the medical evidence sent to the Appeals Council. With respect to Plaintiff's depression, the ALJ will document his findings on the "B" criteria pursuant to

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20 C.F.R. § 416.920a. Plaintiff will be entitled to reasonable attorney fees and costs pursuant to
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28 U.S.C. § 2412(d), upon proper request to this Court.
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DATED this 14th day of April, 2010.
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RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE
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Recommended for Entry:
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s/Karen L. Strombom
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UNITED STATES MAGISTRATE JUDGE
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Presented By:
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s/ Stephanie R. Martz
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STEPHANIE R. MARTZ WSB #28636
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